

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

Case No. 2:23-CV-00103-JRG-RSP

JURY TRIAL DEMANDED

JOINT NOTICE

Plaintiff Headwater Research LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung,” and with Headwater, the “Parties”) file the following Notice pursuant to the Court’s December 23, 2024 Order (Dkt. No. 468) regarding the Parties’ Joint Motion for Continuance (Dkt. No. 466). The parties jointly notify the Court as follows:

As set forth in Samsung’s Notice and Status Report (Dkt. No. 469), on December 23, 2024, Samsung wrote Administrative Law Judge Doris J. Hines—the ALJ presiding over the 337-TA-1400 Investigation—to explore a scheduling accommodation to account for a conflict of Samsung’s sole technical expert, Dr. Dan Schonfeld, who is scheduled to testify in the -1400 Investigation during the week of January 13th, which is the same week trial is scheduled for in the above-captioned -422 action. Later on December 23rd, ALJ Hines issued an Order, instructing Complainant and Respondent in the -1400 Investigation to “confer as best as possible and file their respective positions on possible solutions [to the scheduling conflict] no later than COB Thursday December 26, 2024.” Dkt. No. 469 at Ex. 2.

Complainant and Respondent in the ITC submitted a joint proposal to the ALJ on December 26, 2024, setting forth scheduling modifications under which Dr. Schonfeld could testify in the -1400 Investigation proceedings during the start of the week of January 13th and also testify in person, that same week, in the -422 case before Your Honor. Ex. 1. Specifically, the ITC parties proposed that Dr. Schonfeld would testify at the ITC in the late afternoon of January 13th, after which point he would be released to travel to this District in order to testify in person in this case later that week. *Id.* The ITC parties then proposed flexible options for Dr. Schonfeld to testify for a second time at the ITC (in Complainant's rebuttal case) depending on when his testimony in this case concludes. *Id.*

After considering Complainant's and Respondent's joint proposal, ALJ Hines issued an order, on December 30, 2024, adopting the -1400 Investigation parties' proposal to modify the ITC hearing schedule to permit Dr. Schonfeld to testify in person in this case. Ex. 2. As such, the parties here understand that Dr. Schonfeld will testify in the -1400 Investigation on January 13th and would be available to testify in this case later in the same week.

Based on the ITC's accommodation, Headwater respectfully withdraws its joinder of the Motion for Continuance.

Samsung's Position

Samsung respectfully requests that, to the extent the Court plans to deny the parties' Joint Motion for Continuance (a motion now urged only by Samsung)¹ and begin trial in the -422 action on January 13th, 2025, Dr. Schonfeld be permitted to start his direct testimony in this case on

¹ Samsung continues to believe that having one expert juggle two cases in overlapping trials with burdensome back and forth travel half way across the country hinders critical and important trial preparation, and thus the best course forward is to conduct the Headwater 1 trial in the January 27th setting and grant the relief set forth in the parties' Joint Motion for Continuance.

Thursday, January 16, 2025. Dr. Schonfeld is not expected to complete his ITC testimony until the end of the day, January 13th, in Washington D.C., and he will plan to travel from Washington D.C. to Marshall as soon as flight schedules permit—arriving no later than some time on January 14th. Starting Dr. Schonfeld’s testimony on January 16th, and not before, will give Dr. Schonfeld time to review the daily transcripts for portions of the proceeding he was unable to attend and make any corresponding final adjustments to his trial presentation. Samsung believes that: (1) based on the current expected order of the parties’ witnesses, it is likely Dr. Schonfeld would not begin testifying until Thursday morning either way, and (2) assuming Dr. Schonfeld’s testimony begins on Thursday, the parties should be able to finish their respective trial presentations and closing arguments by the end of the court day on Friday, January 17th, as scheduled.

Headwater’s Position

Headwater does not object to Samsung reordering its witnesses to ensure that Dr. Schonfeld does not testify until Thursday, January 16.

Dated: December 30, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on December 30, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and via electronic mail.

/s/ Benjamin K. Thompson

Benjamin K. Thompson

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for the parties met and conferred regarding this notice on December 30, 2024.

/s/ Benjamin K. Thompson

Benjamin K. Thompson